

Remarks:

Claims 1-3, 7-13, 17-20 are pending in the current application and are rejected under 35 U.S.C. §112, §102 and §103. Applicant has amended the claims to distinctively claim the subject matter of the invention. No new matter has been added. Support for the amendments is found within the claims, the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§112 Rejection(s):

The Examiner contends that no support is provided for claim language in claims 1 and 11 for the recited language "wherein the updating of the respective records . . . comprises comparing the configuration data with the respective records of the database." The Examiner is respectfully referred to Par. [0053] that provides support for the recited language. Accordingly, it is respectfully requested for the 112 ground of rejection to be withdrawn.

§102 Rejection(s):

The Examiner has rejected 1, 2, 11 and 12 as being anticipated by US Publication No. 2004/0166839 (Okkonen et al.). It is respectfully noted that anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131.

Okkonen provides a solution to a situation when a user inserts his SIM card to a different mobile device. In such scenario, the database records are updated if two events take place:

1. replacement of the SIM card is detected (i.e., the mobile device has been replaced), and
2. the user modified the configuration data of the new mobile device.

Therefore, if the user remains with the same SIM card and modified the configuration data the database records are not updated. On the other hand, according to the present invention, the database records are updated whenever the user modified the configuration data of his mobile device, regardless any replacement of the SIM card or another programmable card.

As amended, claims 1 and 11 recite a method or system for updating database records associated with configuration data stored in a mobile device in a mobile communication network. The method comprises determining if the configuration data stored in the mobile device has been modified by a user, by comparing new configuration data with old configuration data. The configuration data is used by a processor of the mobile device to *identify, process or route communication signals between the mobile device and one or more communication stations*. The configuration data is transmitted to a server system for updating respective records of a database in the mobile communication network, in response to the configuration data *being modified in the mobile device*.

The updating of the respective records of the database comprises: *comparing* the configuration data with the respective records of the database; transmitting the configuration data to the server system, *if it is determined that the configuration data is different from that stored in the respective records of the databases*; and *replacing* at least one record in the database based on the modified configuration data, such that a customer service agent can access the database records to determine the mobile device's configuration for *trouble shooting* purposes.

In contrast, Okkonen is directed to a system for determining if a SIM card has been replaced in an electronic device connected to a communication network. The communication network comprises a carrier network with a service coordinator which is capable of receiving information on SIM card changes detected by an agent located in each electronic device in the communication network. In general, the agent in the electronic device detects the SIM Card change in the electronic device and it reports the changes to the carrier network.

That is, Okkonen fails to determine if the configuration data stored in the mobile device has been modified by a user, by comparing new configuration data with old configuration data, as claimed. Instead, the disclosed system is solely dedicated to detecting the physical change of a SIM card in a mobile communication device. Detecting a change in a SIM card is not the same or equivalent to determining change in configuration data of the mobile device.

Furthermore, once a change of the SIM card is detected, the data reported to the service coordinator is fixed and permanent since it includes the hardware configuration of the electronic device. The publication does not teach a method or system for dealing with user changeable configuration data (e.g., APN, SIMS, IP address, SID) which is stored for easy modification, where each parameter of the configuration data is monitored and reported. Further, neither Okkonen nor any of the other references suggest that configuration data can include APN, SMSC, IP address, SID of a mobile communication device.

More particularly, Okkonen is directed to detecting a change in a mobile device and updating the configuration of the mobile device based on information stored on the server so that the mobile device can properly operate (see par. [0042]). Conversely, the claimed invention is directed to doing the exact opposite. That is, in the claimed invention information on the server is updated based on changes made to configuration data stored on the mobile device, rather than the mobile device being updated based on information stored on the server. This is a process step that is reverse of the process step recited in claims 1 and 11.

As such, Okkonen is an improper reference as it teaches away from the recited elements in claims 1 and 11, namely “comparing the configuration data with the respective records of the database; and transmitting the configuration data to the server system, if it is determined that the configuration data is different from that stored in the respective records of the databases, and replacing at least one record in the database based on the modified configuration data, such that a customer service agent can access the database records to determine the mobile device’s configuration for trouble shooting purposes.”

Okkonen fails to disclose at least one of the above-recited elements in as complete detail and arrangement as is contained in the claims, and it further teaches away from the claimed invention, rejection of independent claims 1 and 11 and the claims depending on claims 1 and 11 under § 102 would be improper and should be withdrawn.

Claims 2-3 and 7-10 are dependent on claim 1; claims 12-13 and 17-20 are dependent on claim 11. As provided below, the other cited references fail to cure the deficiencies of Okkonen.

Therefore, each set of dependent claims should also be also in condition for allowance by the virtue of its dependence on allowable base claims.

§103 Rejection(s):

Claims 3 and 13 are rejected as obvious over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Publication No. 2005/0164692 (Roth et al.).

Roth discloses a method and apparatus for back up of customized application information. The disclosed method comprises detecting whether the user-configurable customization of any of the applications has changed since an earlier time, and for all applications for which the user-configurable customization has changed since said earlier time, wirelessly transmitting those changes to a remote server. The disclosed method comprises maintaining a set of flags indicating whether changes have occurred to the user-configurable customization, wherein detecting whether the user-configurable customization of any of the applications has changed since said earlier time includes reading the set of flags.

Periodically, or on demand, the mobile device wakes up and polls the data services available to it and sends all of the updated customization information to an information location on either the carrier's servers or on the servers of a third party provider connected to the carrier. The information is stored in the remote server such that it is associated with the name of the user of the mobile device, and with the date of the storage. Later on the user may retrieve his customization of applications to another device in case the original device is lost or broken.

There is no apparent motivation for combining both publications, Okkonen and Roth, as both references describe inventions with different purposes and goals, the combination of both may suggest a mobile communication device capable of saving the change of a SIM card on a server of a third party for later retrieval when the device is lost or broken. None of the publications proposes detecting and reporting the change in parameters of configuration data for the purpose of assisting in case of trouble shooting. Even if the two references can be combined, Roth fails to cure the deficiencies of Okkonen.

Claims 7, 8, 17 and 18 are rejected as being unpatentable over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Publication No. 2004/0006572 (Hoshino et al.).

Hoshino discloses a storage managing system. The storage managing system, allows a user to decide the setting of storage apparatuses by acquiring the condition for the storage apparatus setting in the form of a policy from a user. The system acquires configuration information of the storage apparatuses, determines a combination of the settings satisfying the policy acquired from the user in the configuration information of the storage apparatuses, generates parameters for tools for manipulating the storage apparatuses such that the combination is set in the storage apparatuses, and calls the tools using the parameters to perform the setting of the storage apparatuses.

The Examiner has failed to provide a compelling reason for combining the references, Okkonen and Hoshino, as both references are related to totally different topics of interest and having contradicting goals. Further, even if the two references can be combined, Hoshino fails to cure the deficiencies of Okkonen.

Claims 7, 8, 17 and 18 have been rejected as being unpatentable over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Publication No. 2004/0006572 (Hoshino et al.) and in view of US Publication No. 2003/0037040 (Beadles et al.).

Beadles discloses a network device identification method for policy-based network management system, which involves storing identified information of user's network device in XML file which is then transmitted to system. In the publication, a user selects policies using a GUI with a two paned window having a tree view of the policies in one pane. The policies are created in the GUI format (e.g., XML), and sent over a network to a service center in the same format.

The policies are loaded, manipulated and stored in the same format. The initial loading of the policies is done using a bulk loader in a logic layer, where the logic layer also includes a configuration checker which handles changes or additions to policies in a finished network management system. Any aspects of the new or changed policy that are inconsistent with the

finished system are parsed and stripped out. However, there is no mention in the publication of a method or system capable of detecting the changes made by the user without the user's intervention.

No apparent reason exists for combining all three publications, Okkonen and Hoshino and Beadles, as all three publications describe inventions with different purposes and goals, the combination of all three may suggest a system where the user may define the policies of mobile communication devices according to their SIM cards. Particularly, none of the publications offers the detecting and reporting the change in parameters of configuration data for the purpose of assisting in case of trouble shooting.

Claims 10 and 20 are rejected over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Patent No. 6,922,721 (Minborg et al.).

Minborg discloses a technique for supplying a data object to a user of a communication system includes: (a) creating a data object intended for rendering at a first communication device (e.g., a subscriber's communication device), the rendering to take place upon the occurrence of a triggering communication event, the data object providing information pertaining to a user of a second communication device; (b) storing the data object in a data server; (c) transferring, in a first transferring step, the data object from the data server to the second communication device; (d) transferring, in a second transferring step, the data object from the second communication device to the first communication device (e.g., the subscriber's communication device); (e) determining whether the triggering communication event has occurred; and (f) rendering the data object at the first communication device upon the occurrence of the communication event.

It is noteworthy that the SIM cards contain a SID burned in the memory of the SIM card that cannot be changed by the user. Therefore, Minborg cannot be combined with Okkonen to cure its deficiencies absent a showing of additional support why and how such combination is possible.

Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with

specificity,¹ or alternatively provide a reference or affidavit in support thereof, pursuant to MPEP §2144.03.² Respectfully, unless Examiner satisfies the above request, a prima facie case of obviousness cannot be established based on a mere allegation that the references can be combined.

Furthermore, it is respectfully submitted that the cited prior art references cannot be combined to teach the claimed invention. And, even if one is modified in accordance to the teaching of the other, the resultant modification would be an impractical or inoperable combination. It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

For example, Okkonen requires changing the configuration data stored on a mobile device based on information downloaded from a remote server. But Hoshino and Beadles teach away from this by allowing changes to be made not by a “remote device” but based on policies set by a “system administrator.” Further, in order to modify Okkonen in accordance with the teachings of Tachibana, Hoshino and Beadles, a person will have to be highly educated and trained on how the different networks and the respective distinct technologies in each reference operate, in order to be able to apply the teachings of one to another, if possible.

“In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’ In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² “The rationale supporting an obviousness rejection may be based on common knowledge in the art or “well-known” prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner.”

In light of the above mandate by the Federal Circuit and considering the intricate nature of the various technologies (wireless mobile networks, wired maintenance network, storage area network) used in each reference, a person reasonably skilled in the art would agree that each of the cited systems are mutually distinct, independently complex and cannot be easily modified to work with each other, contrary to what has been suggested by the Examiner.

For the above reasons, the invention as recited in the amended claim 1 and 11 is distinguishable over the references cited by the Examiner. Therefore claims 1 and 11 should be in condition for allowance. Claims 2-3 and 7-10 are dependent on claim 1; claims 12-13 and 17-20 are dependent on claim 11. Each set of dependent claims should also be in condition for allowance by the virtue of their dependence on allowable base claims.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number [310] 789 2100 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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